

Marked-Up Version of Amended Claims 62 and 70

62 (Once Amended). A kit according to claim 38 [or 44 or 49 or 55]
wherein the overwrap envelops the entire kit.

70 (Once Amended). A kit according to claim [42] 38 further including
wherein the tubing includes a first filtration media [coupled to the tubing] to separate a
first cellular blood species from the blood constituent conveyed from the blood constituent source,
and

wherein the tubing also includes a second filtration media [coupled to the tubing] in series
with the first filtration media to separate a second cellular blood species from the blood constituent
conveyed from the blood constituent source, to thereby produce a filtered blood constituent that is
essentially free of the first and second cellular blood species.

REMARKS

Formal drawings are submitted herewith.

Claims 44 to 61 and 71 to 76 have been cancelled as being drawn to a non-elected invention. Claims 62 and 70 have been amended to change their dependency. Claims 38 to 43, 62, and 70 remain in the application. Of these, claim 38 is the sole independent claim.

The Examiner indicates that claim 70 is vague, in its use of the terms first and second filtration media "coupled to the tubing." By way of clarification, claim 70 has been amended to define that the tubing includes first and second filtration media. The Examiner also indicates confusion regarding the terms "first cellular species" and "second cellular species," questioning whether these terms define viral agents or blood components. The Applicant points out that the terms as they appear in claim 70 actually define first and second "cellular blood species" and thereby clearly refer to blood components, not viral agents (in this regard, see, e.g., Specification, page 24, lines 24 to 35).

The claims stand rejected under 35 U.S.C. § 103, based either upon Foley (US 6,319,662) or Bischof (US 5,300,019) and Foley (US 6,319,662). The Examiner states that the invention differs from Foley and/or Bischof by defining a kit, and goes on to conclude that it would have been obvious to group the components into a kit.

The Applicant respectfully traverses the Examiner's rejections. The Examiner's position has not taken into account an element expressly defined in the claim 38 – namely:

- an overwrap enveloping at least a portion of the kit and including light filtering material that absorbs light that activates the photoactive material –

Neither Foley nor Bischof and Foley teach or suggest a kit that includes a source of photoactive material to be mixed with a blood constituent, which is enveloped by an overwrap that absorbs light that activates the photoactive material, thereby preventing degradation of the photoactive material prior to use (see Specification, page 13, lines 8 to 20).

Serial No. 09/688,079
Amendment A

Allowance of claims 38 to 43, 62, and 70 is thereby respectfully requested.

Respectfully submitted,

By


Daniel D. Ryan

Registration No. 29,243

RYAN KROMHOLZ & MANION, S.C.
P.O. Box 26618
Milwaukee, Wisconsin 53226-0618
January 30, 2003
688079a.ddy